

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RUFUS D. ANDERSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 07-245-SLR
	)	
NURSE DIRECTOR GAIL ELLER,	)	
MEDICAL DIRECTOR JOHN RUNDLE,	)	
and BUREAU CHIEF PAUL HOWARD,	)	
	)	
Defendants.	)	

**ORDER**

WHEREAS, plaintiff, Rufus D. Anderson, was a prisoner incarcerated at the Delaware Correctional Center at the time he filed his complaint under 42 U.S.C. § 1983, along with an application to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915;

WHEREAS, on May 16, 2007, this court entered an order granting leave to proceed in forma pauperis, and requiring plaintiff to pay the \$350.00 filing fee as determined by statute;

WHEREAS, on July 31, 2007, the court was notified that plaintiff is no longer incarcerated;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7<sup>th</sup> Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx.

429 (3d Cir. 2003).

THEREFORE, at Wilmington this 9<sup>th</sup> day of November, 2007, IT IS HEREBY ORDERED that within thirty days from the date of this order, plaintiff shall either pay the filing fee owed (\$350.00) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so the court may determine whether he is still eligible to proceed in forma pauperis.

**NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.**

  
UNITED STATES DISTRICT JUDGE